

GEORGIA STATE BOARD OF DISPENSING OPTICIANS
Board Meeting February 15, 2006

A meeting of the Georgia State Board of Dispensing Opticians was held on Wednesday, February 15, 2006 in Room 102 of the Secretary of State, Professional Licensing Boards Division Office in Macon, Georgia.

The following Board members were present:

Glenn Morris, Chairman
Steve Sanford, Vice Chair
Diane Drake
Thomas Schulz
Dave Meldrum

Others Present:

Brig Zimmerman, Executive Director
Calandra Burke, Board Secretary
Kathy Harvey, Enforcement Department
Pamela Candler, Applications Specialist 1

Serena Gadson, Applications Specialist 2
Wylencia Monroe, Board Attorney
Terralyn Gordon, Board Secretary
Sheila Sryock, Board Secretary

Chairman Morris established that a quorum was present, and the meeting was called to order at 10:07 a.m.

Agenda: Ms. Drake moved and Mr. Sanford seconded and the Agenda was approved.

Minutes: Mr. Sanford moved and Ms. Drake seconded and the November 09, 2005 Meeting Minutes were approved as amended.

Mr. Schulz moved and Mr. Sanford seconded and the Board voted to enter into Executive Session in accordance with O.C.G.A. §43-1-2(k)(1)(2), O.C.G.A. §43-1-19(H)(2)&(4) and O.C.G.A. §43-1-2(k)(4) to deliberate on applications, investigations report and the Cognizant Report and to receive information on applications, investigations report and the Cognizant Report. Voting in favor of the motion were those present who included Board Members Drake, Morris, Sanford and Schulz. The Board concluded Executive Session in order to vote on these matters and to continue with the public session.

Rules Discussion:

Rule Change Discussion on Rule 420-9-.01

420-9-.01: Continuing Education for License Renewals in March, 1985 and Renewal Years Thereafter. Amended

Mr. Zimmerman: The Board voted to post this proposed amendment during its November 9, 2005 regularly scheduled meeting for consideration of adoption such proposed changes at the Board's then next scheduled meeting of February 15, 2006. Posting was delayed due to administrative error, and proposed rule change was not posted within the mandated 30 days prior to voting for adoption by the Board. Assistant Attorney General Wylencia Monroe provided input with regard to the authority cited previously is the proper authority to cite.

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Glen Morris, Chairperson, established that a quorum was present, and requested the Board table the adoption of this proposed rule change until the scheduled May 17, 2006 meeting to allow for proper posting of proposed rule change.

The Board voted that the formulation and adoption of these rules does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General's office.

The Board also voted that it is not legal or feasible to meet the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. §50-13-4(3)(A)(B)(C)(D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Dispensing Opticians.

After discussion and consideration of the rule change, Ms. Drake moved and Mr. Sanford seconded and the Board voted to consider for adoption the proposed rule Chapter 420-9-.01 in accordance with 50-13-4(a)(1) as now posted during their regularly scheduled Board meeting May 17, 2006:

420-9-.01 Continuing Education for License Renewals in March, 1985 and Renewal Years Thereafter. Amended

Continuing Education courses totaling at least ten (10) hours shall be required for the biennial renewal of licenses, ~~beginning with licenses to be renewed by March 31, 1985, and with each biennial renewal period thereafter. Of the ten (10) hours, a minimum of two (2) hours shall be in the area of contact lenses. Of the ten (10) hours, no more than two (2) hours may be obtained via the internet.~~

(a) The method of reporting continuing education shall be by audit as follows:

1. Each licensed dispensing optician shall be responsible for maintaining certificates of attendance (and supporting documents as appropriate) for continuing education courses taken to satisfy the requirements for continuing education for a period of four (4) years from the date of attendance;
2. The staff of the State Examining Boards shall audit the continuing education of a percentage of licensees for compliance with all rules and regulations. This percentage shall not exceed 20% of the licensed opticians, randomly selected, in the State per biennium;
3. At the time of license renewal, licensed dispensing opticians shall certify to the Georgia State Board of Dispensing Opticians that he/she has completed the continuing education required for license renewal;
4. In the event a licensee, who is audited, fails to submit certificates of continuing education, or other documentation, of having satisfied the continuing education requirements for license renewal, the application for renewal will not be processed until all continuing education requirements are met; and
5. A licensee who fails to meet the continuing education requirements shall be subject to disciplinary actions by the Board.

Authority O.C.G.A. §§ 43-29-3, 43-29-6, 43-29-11.

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Rule Change Discussion on 420-5-.01:

Rule 420-5-.01 Examination Requirements. Amended

At the request of Board member Diane Drake, the Board discussed Rule 420-5-.01 and determined a proposed change to the current rule with regard to the time frame currently required for receipt of applications prior to scheduling of exams for applicants by the administrative staff, with input from Assistant Attorney General Wylencia Monroe.

The Board voted that the formulation and adoption of these rules does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General's office.

The Board also voted that it is not legal or feasible to meet the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. §50-13-4(3)(A)(B)(C)(D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Dispensing Opticians.

After discussion and consideration of the rule change, Ms. Drake moved and Mr. Sanford seconded and the Board voted to consider for adoption the proposed rule Chapter 420-5-.01 in accordance with O.C.G.A. § 50-13-4(a)(1) to be posted as follows:

**SYNOPSIS OF PROPOSED REVISIONS TO THE
GEORGIA STATE BOARD OF DISPENSING OPTICIANS
RULE 420-5-.01 Examination Requirements. Amended.**

Purpose: To update of the required deadline for submission of complete applications prior to scheduling applicant for next available Georgia Practical Examination.

Main Features: **To update the existing rule to state complete applications with all attachments and documents shall be filed with the Board at least thirty (30) days prior to the scheduled examination date.**

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE
PROPOSED AMENDMENTS TO THE
GEORGIA STATE BOARD OF DISPENSING OPTICIANS
RULE 420-5-.01 Examination Requirements. Amended.**

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

Rule 420-5-.01 Examination Requirements. Amended is hereby revised as follows:

420-5-.01 Examination Requirements. Amended.

(1) The optical dispensing examination shall be held twice a year. The times and places shall be determined by the Board.

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(2) Complete applications with all attachments and documents shall be filed with the Board at least ~~60~~ thirty (30) days prior to the examination. Each application must be accompanied by the following attachments:

- (a) Verification of age (Birth Certificate or equivalent required);
- (b) Copy of high school transcript or diploma indicating graduation date;
- (c) If applying on the basis of education, the applicant must have satisfactorily completed a course of study in a recognized school of optical dispensing approved by the Board. College transcript, with graduation date, and copy of diploma must accompany application;
- (d) Applicants applying on a basis of education and experience must submit a copy of their college transcript;
- (e) A fee established by the Board must accompany the application;
- (f) Photograph of applicant within last year.

(3) Subject matter of examination shall be related to optical dispensing.

(4) The passing score in the ophthalmic dispensing examination shall be 70 for the ABO examination; 72 for the NCLE examination and 75 for the practical examination.

Beginning with August, 1986 administration of the examination, once a candidate obtains a passing score on any part of the examination, that candidate does not have to retake that portion of the examination.

(5) Any false or misleading information in connection with any application may be cause for exclusion from the examination on the ground of lack of good moral character. If the Board finds that the application is complete and that all the requirements of the statute and of the regulations have been met, it shall issue to the applicant a letter which shall advise the applicant of the time, date and place of the examination. The candidate shall submit his letter to the examiner upon entrance to the examination room.

(6) Licensing examinations shall be conducted in accordance with the following procedure, and any candidate violating any of such procedure, may be dismissed from the examination room or otherwise disciplined:

- (a) no candidate shall enter the examination more than 45 minutes after the question papers have been distributed nor shall any candidate leave the examination until 45 minutes have elapsed;
- (b) during the examination no candidate shall communicate with any other candidate in any other way;
- (c) a candidate shall not bring books or other help of any kind into the examination room unless directed to do so by the Board because of the character of the examination.

Authority O.C.G.A. §§ 43-29-3, 43-29-6 and 43-29-7.

Executive Director Report – Brig Zimmerman

- **HB 881:** Board comments to be supplied to Director Mollie Fleeman via e-mail following today's meeting with regard to the Board's decision that there is no change in the proposed effective date of this bill; Board feels it will have time to consider any rule; application etc... changes prior to the effective date of (proposed) July 1, 2006.

Enforcement Department – Kathy Harvey:

- **Case No. DISP040037:** Mr. Schulz moved and Ms. Drake seconded and the Board voted close.
- **Case No. DISP050006:** Mr. Schulz moved and Ms. Drake seconded and the Board voted to refer this case to the Optometry Board with the supervisory agreement.

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- **Case No. DISP050010:** Mr. Sanford moved and Mr. Schulz seconded and the Board voted to ask for a supervisory agreement.
- **Case No. DISP050015:** Ms. Drake moved and Mr. Schulz seconded and the Board voted to close this case.

Attorney General Report – Wylencia Monroe

- **Proposed amendment to Rule 420-9-.01:** Update of Authority provided
- **Complaint #DISP060017:** The Board voted that Ms. Drake will do an investigative interview with the optician.

Cognizant Report

No Report

Applications:

Mr. Schulz moved and Ms. Drake seconded and the Board voted to take the following actions on applications by Examination for board review:

Knowlin, Jeffrey

Approved Pending

Mr. Schulz moved and Ms. Drake seconded and the Board voted to approve applications for licensure by application determined to have met licensure requirements as follows:

Collins, April Cherie

LDO002083

12/06/2005

Finnell, Keri Ann

LDO002084

01/26/2006

Mr. Schulz moved and Ms. Drake seconded and the Board voted to approve the following reinstatements determined to have met licensure requirements as follows:

Reinstatements:

Gilliland, Judie Ann

LDO000389

12/12/2005

Salle, Herman Joseph

LDO000421

11/14/2005

Corbin, Ronnell H.

LDO000554

11/07/2005

Harms, Linda Mae

LDO000736

11/14/2005

Worde, Ginger R.

LDO000772

01/18/2006

Patten, Hennie Rozier

LDO000866

12/22/2005

Lee, Denah T

LDO001102

11/29/2005

Hummel, Jerry F

LDO001172

11/07/2005

Holcomb, Jack J.

LDO001301

10/07/2005

Spearman, Lisa B.

LDO001376

11/14/2005

Blanco, Mavel

LDO001408

12/16/2005

Prince, Faby Vallejo

LDO001437

09/29/2005

Stanford, Linda Kay

LDO001455

12/12/2005

Moore, Pamela F.

LDO001516

10/07/2005

West, Kimberly Dawn

LDO001615

11/14/2005

McElmurray, Michael Boyce Jr.

LDO001654

11/14/2005

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| Su, Xuan N. | LDO001745 | 11/14/2005 |
| Farmer, Valerie N. | LDO001883 | 12/19/2005 |
| Henry, Terence P. | LDO001919 | 12/12/2005 |
| Holt, Nancy Lynn | LDO001952 | 10/04/2005 |
| Stewart, Wade Paul | LDO001986 | 10/28/2005 |

There being no further business to come before the Board, the meeting was adjourned at 12:45 P.M.

Minutes recorded by:

Calandra Burke, Board Secretary

Minutes reviewed and edited by:

Brig Zimmerman, Executive Director

Glenn Morris
Board Chairman

Mollie L. Fleeman
Division Director

DATE SIGNED AND APPROVED: _____